IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11312 of 1999

Between:

Shaik Mahammed son of Late Raja Saheb
Panasa Thota, Narasaraopet, Guntur Dist

..... PETITIONER

AND

1 The District Collector, Guntur
2 The Revenue Divisional Officer
Narasaraopet, Guntur Dist
3 The Mandal Revenue Officer
Narasaraopet, Guntur Dist
4 V.Srinivasa Rao son of Venkata Swmay
D.No. 15-1-31/9, Panasa Thota, Kummari Bazar, Narasaraopet,

Guntur District

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Certiorari, Calling for the records in Revision Case No. 16/98.87 dt. 24/05/1999 and proceedings No. Rc.No. 1366/96. B. dt. 1/06/1999 and quash the same and further direct the respondent to reinstate the petitioner as Fair Price shop dealer.

For the Petitioner:MR.Y.S.VENKATA RAO, Advocate

For the Respondent Nos. 1 to 3: G.P. for Civil Supplies

For the Respondent No.4.: MR. SYED SHAREEF AHMED,Advocate

The Court made the following :

ORDER:

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Heard both sides. The petitioner herein, who is Fair Price Shop dealer and running business for quite some time, filed this Writ Petition, *inter alia,* seeking to assail the main orders dated 24-5-1999, entertaining the revision and allowing the same at the instance of 4th respondent and consequential order passed on 1-6-1999 as bad and illegal.

The facts, in brief, are that the petitioner has been holding licence and having regard to certain allegations made earlier, his licence was suspended as per orders dated 4-8-1996. Thereafter in the appeal filed by the petitioner, the appellate authority, as per orders dated 16-1-1999, took the period for which the petitioner's licence was kept in suspension, as sufficient punishment for the allegations, which have been made against him and directed re-allotment of licence of the petitioner with immediate effect. Against, the said order 4th respondent, claiming himself to be a card holder, filed revision before the 1st respondent who, having entertained allowed the same holding that the matter requires enquiry by the competent authority.

The learned counsel for the petitioner submits that having regard to the checkered events, period of suspension itself is sufficient punishment for the allegations made against him. It is not open for the respondents herein to once again reagitate the matter, especially at the instance of the 4th respondent, who has no locus standi.

The learned counsel for the 4th respondent submits as a citizen and as a card holder, he has every right to set the law in motion. Therefore, he has rightly done so.

Considering the submissions made on either side and also on perusal of material available on record, it is seen that as against the petitioner, initially the suspension orders were passed which have been challenged before the appellate authority and

the period of suspension i.e. almost for two years was taken as sufficient punishment in view of the allegations. The said orders of the respondents-appellate authority have become final, conclusive and binding. There is no application whatsoever by the competent authority to make a challenge against the said orders. However, it is only the 4th respondent, who claims probono public and styling himself as card holder, filed revision.

It is now well established that the matters of this nature against the disciplinary action is concerned, the private individuals have no locus nor they are entitled to file revisions or appeals as against the decision taken by the competent authority. In this case, not only the competent authority but also appellate authority found that the punishment i.e. suspension of licence for a period of two years, is sufficient.

In the circumstances, I do not find any justification to entertain the revision petition at the instance of 4th respondent and the

Writ Petition is accordingly allowed and the impugned order is accordingly set aside.

B.Prakash Rao, J.

27th July, 2004.

KM/STV

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on the

Tuesday the Twenty Seventh day of July Two thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Guntur
2 The Revenue Divisional Officer
Narasaraopet, Guntur Dist
3 The Mandal Revenue Officer
Narasaraopet, Guntur Dist
4. 2CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad(OUT)

5. 2CD copies

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

W.P.No. 11312 OF 1999

27th July, 2004.